

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 2-13, 15-19 and 21 were pending. By the present response, claims 5 and 21 have been amended and claims 22-24 have been added. Thus, upon entry of the present response, claims 2-13, 15-19 and 21-24 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims, the figures, and the specification, paragraph [0019] to [0021].

OBVIOUSNESS-TYPE DOUBLE PATENTING

Claim 17 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7 and 8 of co-pending U.S. Patent Application No. 10/084,459 on the grounds set forth in paragraph 2 of the Official Action. Submitted herewith is a properly executed Terminal Disclaimer over U.S. Patent Application No. 10/084,459. Accordingly, the rejection is moot and should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 2-5, 7, 9, 12 and 21 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by EP 569887 A1 on the grounds set forth in paragraph 3 of the

Official Action. For at least the reasons noted below, this rejection should be withdrawn.

Claim 5 and claim 21 are the independent claims in this rejection. Claims 2-4, 7, 9 and 12 depend from claim 5.

Claim 5 recites a pivotable collecting device for handling a folded sheet material, comprising: a supporting edge for supporting a fold of the folded sheet material; two supporting sides opposing one another; means for pivoting the supporting edge and supporting sides about a first axis to receive the folded sheet material such that each supporting side receives a different portion of the folded sheet material, the first axis between the two support sides; and a collecting drive for at least one of: clamping the folded sheet material against at least one of the supporting sides, and advancing the folded sheet material along the at least one supporting side.

Claim 21 recites a pivotable collecting device for handling a folded sheet material, comprising: a supporting edge for supporting a fold of a folded sheet material; two supporting sides opposing one another; means for pivoting the supporting edge and supporting sides about a first axis to receive the folded sheet material such that each supporting side receives a different portion of the folded sheet material, wherein the supporting sides converge at the supporting edge and is between the two supporting sides, and the first axis is parallel to a longitudinal axis of the supporting edge and is between the two supporting sides; and a collecting drive for at least one of: clamping the folded sheet material against at least one of the supporting sides, and advancing the folded sheet material along the at least one supporting side.

To anticipate a claim, the reference must teach every element of the claim. See MPEP § 2131. For example, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Here, the rejections are traversed because the cited reference does not teach every element of the claim. The following comments on the reference are offered.

EP '887 discloses a device in which the elements on which the papers are collected, e.g., element 14, is stationarily mounted to cylinder 10 to form an assembly and the whole assembly then rotates about point 12, which is the axis of the cylinder 10. Claim 5 and claim 21 each recite that the first axis, e.g., the pivot axis for the pivotable collecting device, is itself between the two support sides. In contrast to claims 5 and 21, the rotation point in *EP '887*, e.g., point 12, is at the center of the cylinder 10 and not between supporting edges associated with elements 14.

For at least the above noted reason, the reference does not anticipate independent claims 5 and 21 and dependent claims 2-4, 7, 9 and 12 and the rejection should be withdrawn.

ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation the indication that claims 6, 8, 10, 11, 13, 15, 16, 18 and 19 would be allowable if rewritten in independent form as noted in paragraph 4 of the Official Action. By the present response, the remaining pending

claims distinguish over the cited references and/or the reference has been obviated.

Thus, claims 2-13, 15-19 and 21-24 are allowable.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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